

(Rev. 5/05)

**FORM TO BE USED BY A PRISONER IN FILING A COMPLAINT
UNDER THE CIVIL RIGHTS ACT, 42 U.S.C. §1983**

**IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF DELAWARE**

(1) Charles Burley 141273
(Name of Plaintiff) (Inmate Number)

(Complete Address with zip code)

(2) _____
(Name of Plaintiff) (Inmate Number)

(Complete Address with zip code)

(Each named party must be listed, and all names
must be printed or typed. Use additional sheets if needed)

vs.

(1) Warden Rafael Williams
(2) Dr. Condy/Conlin
(3) William Joyce
(Names of Defendants)

(4) Dr. Hershey
(Each named party must be listed, and all names
must be printed or typed. Use additional sheets if needed)

I. PREVIOUS LAWSUITS

A. If you have filed any other lawsuits in federal court while a prisoner, please list the year, including year, as well as the name of the judicial officer to whom it was assigned.

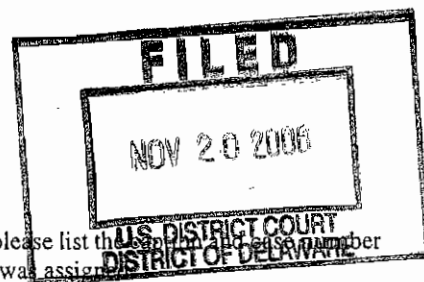
N/A

06-701

(Case Number)
(to be assigned by U.S. District Court)

CIVIL COMPLAINT

• • Jury Trial Requested



II. EXHAUSTION OF ADMINISTRATIVE REMEDIES

In order to proceed in federal court, you must fully exhaust any available administrative remedies as to each ground on which you request action.

- A. Is there a prisoner grievance procedure available at your present institution? ••Yes•• •No
- B. Have you fully exhausted your available administrative remedies regarding each of your present claims? ••Yes•• •No

C. If your answer to "B" is Yes:

Medical

1. What steps did you take? Inmate grievance

2. What was the result? They didn't respond in some cases. In other cases they sent a letter saying they received grievance and someone will follow up, but didn't. In some case they said they couldn't do anything for me.

D. If your answer to "B" is No, explain why not:

III. DEFENDANTS (in order listed on the caption)

(1) Name of first defendant: Warden Williams

Employed as Warden at Howard Young Correctional Institution

Mailing address with zip code: 1301 E 12th St, Wilmington, DE 19801

(2) Name of second defendant: Dr. ~~Conolly~~ Connolly / Conlin

Employed as Head Doctor at HRYC I / Correctional Medical Service

Mailing address with zip code: 1301 E 12th St, Wilmington, DE 19801

(3) Name of third defendant: William Joyce

Employed as Director of Medical at Howard R. Young Correctional Institution CMS

Mailing address with zip code: 1301 E 12th St Wilmington, DE 19801

(List any additional defendants, their employment, and addresses with zip codes, on extra sheets if necessary)

IV. STATEMENT OF CLAIM

(State as briefly as possible the facts of your case. Describe how each defendant is involved, including dates and places. Do not give any legal arguments or cite any cases or statutes. Attach no more than three extra sheets of paper if necessary.)

1. I ⁱⁿcommunicated my medical problems through a letter in early September to Warden Williams. The problem has worsen. Warden Williams is the number 1 person in charge at Howard R. Young Correctional Institution and the ~~extra~~ ^{extra} sheet →
2. I have been complaining to the medical staff since I was checked into HRYCI infirmary on or around 7/29/06. I had been into my second day of post surgery and their medical staff was making excuses like they ran out of pain meds to give me. I finally was seen by Dr. Condy/Conley ^{extra} ~~sheet~~ ^{sheet}
3. I started my ~~ex~~ statement of claim for number 3 on the extra sheet of paper

V. RELIEF

(State briefly exactly what you want the Court to do for you. Make no legal arguments. Cite no cases or statutes.)

1. A. Demand HRYCI to come up with a grievance committee made up equal amount of inmates & staff including myself to improve medical grievance process.
- B. Make HRYCI implement recommendations that come out of commi
- C. Make Dr. Hershey repay HRYCI for part of my visit.

Extra Sheet of Paper

III. Defendants

(4) Name of fourth defendant: Dr. Hershey

Employed as: Orthopedic contracted out to Correctional Medical Services / Howard R. Young Correctional Institution
Mailing Address with Zip Code: Christiana Hospital, Medical Arts Pavilion I
4755 Ogletown Stanton Rd 19711

IV. Statement of Claim

1. buck stops with him especially with the grievance process. I've been writing medical grievance about failure to give me appropriate medication since 7/06. At least 10 grievances. I believe this treatment is in retaliation for grieving persistently.

2. First of all the doctor never introduced himself to me nor could I obtain a conclusive spelling of his name as of yet. I've asked C/O's, and nurses. I've gotten at least two pronunciations and two spellings. I seen my original Orthopedic ~~Sp~~ Specialist around 8/11/06 / 8/13/06 Dr. Mesa. He asked me to come back 3 weeks / 4 weeks from the last time I saw him. I am suffering from a gun shot that broke and fractured bones in my left arm, wrist, and hand area. My fingers in my left hand hurt and get num from time to time. I seen Dr. Conoly/Conlin about 7 weeks after I seen Dr. Mesa. I told him I was ~~sup~~ suppose to ~~see~~ had went back to see Dr. Mesa over four weeks from ~~that~~ the time I saw him. He told me he would make an appointment for me to see Dr. Mesa immediately. I waited for about ^{more} two weeks ~~and~~ without seeing Dr. Mesa

before making another appointment to see Dr. Candy/Conlin. After seeing Dr. Candy/Conlin again he told me he didn't know why I hadn't seen Dr. Mesa. He took information from me about Dr. Mesa at the same time he was talking to me about a Dr. Hershey who I had never seen before. I thought he was confusing the doctors so I made sure he heard me correctly. He told me that Dr. Hershey and Dr. Mesa were partners. That turned out to be a lie. He promised me he would make an appointment for me to see Dr. Mesa and a physical therapist. I also told him I was afraid it may be healing wrong and that I was in continuing pain. He told me he'd make sure I see Dr. Mesa and a P.T. About two week later I wound up seeing Dr. ~~Hershey~~ Hershey who was negligent and disrespectful. I believe this treatment was punishment for me persistently grieving.

3. William Joyce is the Director at HRCI medical department. I believe he is employed by Correctional Medical Services. I told him about my problems in early September. He told me I was there for a physical but he would make sure the appropriate person would take care of me soon. He refused to hear anything else at that time unless it was related to the physical that me and about 20 others were there for. I was able to ^{see} the physician attendant who promised to ~~address~~ address my lack of medication that was prescribed to me. But the nurses still had at least 8 different excuses not to medicate me, although I am prescribed medication currently. I ~~am~~ still not getting it when I am

③

Suppose to. I have been prescribed larutab off and on for about 3 months, but for one reason or another the nurses refuse to give me the medication 1/2 of the time. Most of the time I am in a great deal of pain were I had major surgery. They didn't give it to me (Medication) in retaliation for persistently grieving.

4. Dr. Hershey saw me on or about 10/19/06. He never introduced himself to me. He unwrapped the bandage and sling that was on my left arm, lower wrist and started bending my wrist. I told him it hurt worse when he bended it. He started bending it harder. I snatched it away from him. He then told me to stop babying it. He also told me I shouldn't have come to prison if I was going to be a baby. I told him I am a detainee and he should ^{not} judge me as if I was convicted or something to that effect. He then said "right that's why you were shot." He left the room at that point, came back in the room never making ~~eye~~ contact with me. Never asking me am I O.K or were is the pain. He finally look at the X-ray making a couple of comments. I asked him a couple of questions about my injury. He seemed disinterested. I showed him an article from the newspaper about a person who had a similar injury. He threw it down without looking at it. He then left the room never returning. A nurse came in with a wrist support. I asked if I have a follow up, she said no after looking at instructions for the prison doctor.



V RELIEF

D. Make HRYCI/CMS allow me to see Dr. Mesa when he schedules me.

E. Make HRYCI/CMS allow me to see Dr. Mesa until he releases ^{me} from his care because I'm well enough or I no longer wish to see him.

F. Allow me to get Physical Therapy until Dr. Mesa believes I'm well enough to discontinue or I no longer wish ^{to} ~~relieve~~ it any longer.

G. Make HRYCI/CMS award me \$50,000.00 for my pain, physical and Emotional suffering and potential future damages a may have as a result of thier lack of treatment.

H. Make Dr. Hershey award me \$10,000.00 or 10 times the amount he charged HRYCI/CMS for my visit. Which ever one is greater.

I. Forbid HRYCI/CMS to retaliate against me for filing this law suit.

J. Repay me fees for institutional ~~S~~ick call bills.

K. Repay me for coping bills related to this law suit.

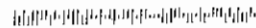
L. Demand Medical Staff give me my medication as needed on time as prescribed.

Charles Burley 141273
HRYCI
1301 E 12th Street
Wilmington, DE 19801



Clerk of Court
Clerk
U.S. District Court
Lockbox 18
844 N. King Street
Wilmington, DE 19801

U.S.M.S.
K-RAY



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